

REMARKS

By this Amendment, claims 1, 2 and 22 and 23 are amended to merely clarify the recited subject matter and a new Abstract is submitted. Claims 1-11, 14-32 and 34-41 are pending.

Claims 1-10, 12, 18, 22-31, 34 and 37-38 were rejected under 35 U.S.C. 102(e) as being anticipated by Muller (U.S. 6,490,461), claims 11 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muller and Tong et al. (U.S. 6,311,070; hereafter "Tong"), claims 15 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muller and Mitra et al. (U.S. 5,732,328), claims 16-17 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muller and Denkert et al. (U.S. 6,374,117), claims 19-20 and 39-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muller and Shah (U.S. 6,167,259), claims 21 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muller and Gatherer et al. (U.S. 2002/0115463; hereafter "Gatherer").

Applicant traverses all the prior art rejections because Muller, analyzed individually or in combination with the other cited prior art references, fails to disclose, teach or suggest the all the claimed invention wherein soft decisions provided by the decoder are the basis for estimating the error probability for a given number of bits in a frame for a received signal, as recited in all the independent claims and their respective dependent claims.

The Office Action asserted that column 5, lines 5-8, 26-29 of Muller allegedly teaches the use of soft decisions in the estimation of an Frame Error Rate (FER) estimate. Those passages teach that:

"In the example embodiment of FIG. 5, the power correction measurement step 103 is influenced by slower, but more accurate, bit error rate (BER) and frame error rate (FER) measurements at steps 104-106." (column 5, lines 5-8)

"FER measurements can follow standard kinds of frame error rate measurements including, for example, CRC calculation and comparisons. If the CRC does not match, a frame error is recorded." (column 5, lines 26-29)

Clearly, Muller merely utilizes prior art techniques for FER estimation by subscribing to standard kinds of frame error rate measurements. However, Muller fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Tong fails to remedy this deficiency because Tong merely discloses a method of controlling transmission power, wherein a mobile unit receives power control bits, each of which being respectively received during a power control period. The mobile unit determines if each of the power control bits indicates that the transmission power should be increased. The mobile unit then increases the transmission power by a predetermined amount each time it determines that one of the power control bits indicates that the transmission power should be increased. Thus, Muller, analyzed individually or in combination with Tong, fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Similarly, Mitra fails to remedy the deficiencies of Muller and Tong because Mitra merely discloses determining the transmission power of a wireless terminal for transmitting a signal representing information of a particular information class to a base station capable of receiving signals for a plurality of information classes based on a probability measure indicating received signal outage durations that would likely occur over a time interval. Thus, Muller, analyzed individually or in combination with Tong and/or Mitra, fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Further, Denkert fails to remedy the deficiencies of Muller, Tong and Mitra because Denkert merely discloses a method and system for controlling a transmit power level based upon queue delay for packets in a wireless packet data system. Thus, Muller, analyzed individually or in combination with Tong, Mitra and/or Denkert, fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Shah fails to remedy the deficiencies of Muller, Tong, Mitra and Denkert because Shah merely teaches a telecommunications system and method for analyzing the speech quality, e.g., the Bit Error Rate (BER), on the forward and reverse links to determine whether the links are balanced. Thus, Muller, analyzed individually or in combination with Tong, Mitra, Denkert and/or Shah, fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Finally, Gatherer fails to remedy the deficiencies of Muller, Tong, Mitra, Denkert and Shah because Gatherer merely discloses a technique utilized In a wireless communication system, wherein coded bits and an interleaved version of the coded bits are separately modulated and transmitted. Thus, Muller, analyzed individually or in combination with

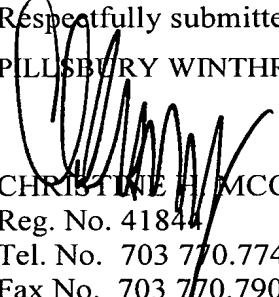
Tong, Mitra, Denkert, Shah and/or Gatherer, fails to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Accordingly, the cited prior art fails to disclose, teach or suggest the claimed invention. Accordingly, all pending claims are allowable.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of the pending claims. However, if anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner telephone the undersigned Applicant representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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